REMARKS

By the above amendments, Claims 1-3, 16 and 17 have been amended, Claims 11, 12, 14, 18 and 19 have been cancelled, leaving Claims 1-3, 5-8, 10, 16, 17 pending. No new matter has been introduced by way of the amendments above. Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Rejection Under 35 U.S.C. 103(a)

The test for determining if a claim is rendered obvious by one or more references for the purpose of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1-3, 5-8, 10-12, 14 and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al. ("Scia") in view of DeLorme et al. ("DeLorme").

It is important to note that, in applicant's invention, the zoom center is set to the image point on the screen that is pointed to by the stylus. This has

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been ignored by the Examiner in his arguments, but is one clear distinction over Scia. The Examiner commented on page 4 of the Office Action that a definition should be given of the center of the zoom operation, but this has already been done in the specification. See for example image point (X_c, Y_c) at screen location (h,v) of Fig. 3. During the zoom, this image point (X_c, Y_c) will not change its position (h,v) on the screen, but all other image points will, as the image is expanded or contracted so as to show more or less of the whole image on the screen. The center of zoom action is a center about which zooming occurs; i.e., center of enlargement or reduction of an image. Examiner asked whether the zoom center is the same as the center of the display screen, which it is not (unless of course that is where the stylus is pointing to). The zoom center can be any image point on the screen that the stylus points to.

Claim 1 recites that the zoom action is performed using **"said detected image point as the center of the zoom action"**, the detected image point being the image point on the screen that is indicated by the stylus. Scia fails to suggest this identified limitation. Scia also fails to suggest "**setting a center of said zoom action at said detected point of contact of said stylus on said screen,**" as recited in Claim 6.

Scia aims to provide a simple type of zoom, but a zoom of a completely different kind to that of the present invention. In Scia, a first cursor click will show a circle on the screen with the cursor on the circle periphery at a reference point. The cursor must then be moved into or out of the circle in order to begin the zoom action. The direction of movement indicates whether the zoom operation is a zoom-in or a zoom-out operation, and the distance the cursor moves (from the reference point) determines the zoom speed. It is acknowledged that Scia relates to a zoom control, and that the zoom continues while the input device is activated (e.g. until the mouse button is unclicked). Scia also mentions the possibility of using a touch screen instead of a mouse (column 5, line 34). However, Scia does not disclose or suggest that the zoom should be centered about an image point indicated by the cursor.

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Scia makes no specific mention of the zoom center in the text, but all of the drawings clearly show zooms that are not centered on any image point corresponding to any of the cursor positions (i.e. the zooms are neither centered about the reference point on the circle nor about any points on the straight line that is drawn into or out of the circle). Indeed, the cursor is not used to "indicate" to any image point at all, but only to define a circle and line in front of and separate from the image.

In Scia, when in (the single) zoom mode, a user cannot simply indicate a reference point on the screen and keep the mouse depressed in order to provide a zoom. Rather, there must be movement of the cursor either into or out of the circle to define direction, and furthermore this movement must be appropriately controlled so as to define zoom speed. This contrasts with the present invention, in which when in one of the two zoom modes (zoom-in or zoom-out), the user can merely place the stylus on the screen to begin zooming, and no further movement of the stylus is required (unless, for example, the user decides to move the zoom center).

In another embodiment of the present invention, the zoom center can move during a zoom by moving the stylus across the screen. The amended Claim 16 recites that the "zoom means continually monitors the position of said stylus on said screen; and, on movement of said stylus across said screen, said zoom means alters the center of said zoom action so that **the center of said zoom action follows the movement of said stylus.**" The amended Claim 17 recites "monitoring the position of said stylus on said screen; and **moving said center of said zoom action in accordance with the movement of said stylus across said screen.**" These identified limitations are not suggested by Scia. In Scia, the movement of the cursor either into or out of the circle defines zoom direction and zoom speed. The cursor movement disclosed by Scia does not result in moving the center of zoom. This is another clear distinction between the claimed invention and Scia.

DeLorme fails provide the features missing from Scia. DeLorme relates to a system in which a user can create a customized route plan on a desktop computer from a large number of files, and can then load the plan into a handheld computer. Thus, DeLorme seeks to provide good route plans while overcoming the memory limitations of the handheld computer.

The Examiner relied on DeLorme for the use of a touch-sensitive screen. It is acknowledged that DeLorme does use a touch-sensitive screen, but this does not assist in providing the features of applicant's zoom action that are claimed, i.e. the centering of the zoom about an image point indicated by the stylus and the movement of the zoom center with movement of the stylus. DeLorme only briefly mentions zooming, and the zooming in DeLorme is of a basic type.

As stated in MPEP § 706.02(j), "the prior art reference (or references when combined) must teach or suggest all the claim limitations." Scia combined with DeLorme fail to teach or suggest all the limitations of the claims 1, 6, 16 and 17. Therefore, Scia and DeLorme fail to support the alleged prima facie case of obviousness regarding the subject matter recited in these claims. Accordingly, Claims 1, 6, 16 and 17 are patentable over the combination of Scia and DeLorme.

Claims 2, 3, 5, which depend on Claim 1, and Claims 7, 8, 10, which depend on Claim 6, are also patentable at least for the same reasons that Claims 1 and 6 are patentable.

Conclusion

In light of the foregoing, withdrawal of the rejection of record and allowance of this application are earnestly solicited.

Date: April 4, 2005   Respectfully submitted,

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